

1 NICOLA T. HANNA
2 United States Attorney
3 BRANDON D. FOX
4 Assistant United States Attorney
5 Chief, Criminal Division
6 STEVEN R. WELK
7 Assistant United States Attorney
8 Chief, Asset Forfeiture Section
9 KATHARINE SCHONBACHLER (Cal. Bar No. 222875)
10 Assistant United States Attorney
11 Asset Forfeiture Section
12 1400 United States Courthouse
13 312 North Spring Street
14 Los Angeles, California 90012
15 Telephone: (213) 894-3172
16 Facsimile: (213) 894-0142
17 E-mail: Katie.Schonbachler@usdoj.gov

18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA

20 UNITED STATES DISTRICT COURT
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 WESTERN DIVISION

23 UNITED STATES OF AMERICA,

24 Plaintiff,

25 v.

26 ONE ANCIENT MOSAIC,

27 Defendant.

28 No. 2:18-CV-04420-JFW (SSx)

29 DECLARATION OF SPECIAL AGENT
30 ELIZABETH RIVAS IN SUPPORT OF
31 THE GOVERNMENT'S STATUS
32 REPORT RE STAY

33 [FILED UNDER SEAL PURSUANT
34 TO ORDER OF THE COURT DATED
35 DECEMBER 16, 2019]

36 MOHAMAD YASSIN ALCHARIHI,

37 Claimant.

DECLARATION OF SPECIAL AGENT ELIZABETH RIVAS

I, Elizabeth Rivas, declare as follows:

3 1. I am a Special Agent (“SA”) for the Federal Bureau of Investigation
4 (“FBI”) and have served in that capacity for more than twenty two years. I am currently
5 assigned to the FBI Los Angeles Office, Organized Crime Squad. I am also a member of
6 the Art Crime Team of the FBI. On the Art Crime Team, my current responsibilities
7 involve the investigation of art theft, art fraud, and other criminal violations related to
8 the theft of cultural artifacts and antiquities. I have attended classes and courses
9 conducted by the FBI and other agencies regarding art and antiquities theft and
10 smuggling. As a result of my training and experience, I am familiar with how
11 individuals involved in the theft of art and antiquities operate and the patterns generally
12 utilized by these individuals. I have become well-versed in the methodology utilized by
13 individuals involved in the trafficking of stolen art and other stolen property.

14 2. On May 23, 2018, Plaintiff United States of America (the “government”)
15 filed a civil forfeiture action against the defendant One Ancient Mosaic (the “defendant
16 mosaic”), alleging that the defendant mosaic is subject to forfeiture pursuant to 19
17 U.S.C. § 1595a(c)(1)(A). Thereafter, Claimant Mohamad Yassin Alcharihi (the
18 “Claimant” or “Alcharihi”), filed a claim to the defendant mosaic and an answer to the
19 complaint.

20 3. Claimant and others are currently being investigated for violations in the
21 ongoing criminal investigation. The criminal investigation and the instant forfeiture
22 proceedings arise out of the same general facts and will involve many of the same issues
23 of fact and law.

24 4. The ongoing criminal investigation has been unique and time-consuming
25 for a number of reasons. It has been extremely time consuming to review the
26 voluminous data obtained from eleven digital devices and four email accounts associated
27 with the Claimant and others that were searched pursuant to federal warrants. Many of
28 the records were in a foreign language and therefore needed to be translated. Agents are

1 continuing to review and organize the voluminous evidence in the ongoing criminal
2 investigation.

3 5. In addition to reviewing voluminous amounts of digital evidence, agents
4 also conducted additional investigation to identify and locate the individuals that
5 Claimant was communicating with both in the United States and abroad. Agents
6 conducted interviews of multiple witnesses in the United States. In early 2019, agents
7 communicated with authorities in another country about the process to interview a close
8 associate of Claimant who was involved in the purchase of the defendant mosaic and
9 resides in the foreign country. In March 2019, the request was submitted to the foreign
10 country's authorities to locate and interview the associate. This process has taken months
11 and is outside the control of the case agents. U.S. Attachés located in the foreign country
12 discussed the request with the foreign authorities. At the end of November 2019, the
13 foreign authorities responded that it will now require a formal request for assistance to
14 conduct the interview. A formal request is in process of being prepared.

15 6. In December 2019, agents submitted a request to authorities in a second
16 foreign country to locate and interview the individual from whom Claimant claims he
17 purchased the defendant mosaic. Because the individual resides in a foreign country,
18 this interview request must also be processed through the foreign country's authorities.
19 This process typically takes several months and is outside the control of the case agents.
20 The U.S. Attaché will advise the agents when the second foreign country's authorities
21 provide a response.

22 7. Also, due to the unique nature of the defendant mosaic, it has been difficult
23 to identify experienced and qualified experts to evaluate the defendant mosaic. Agents
24 have made progress in this area and met with an expert and appraiser. Agents also
25 identified a conservator and a geologist who recently examined the defendant mosaic
26 and took multiple samples of the mosaic for scientific testing. The geologist and
27 conservator recently completed their reports and provided them to the government.
28

1 8. On August 8, 2019, the government had a meeting with Claimant and the
2 Claimant's counsel and the government extended a plea offer. Claimant had thirty days
3 to advise the government if the offer will be accepted. In early September 2019,
4 Claimant's counsel advised the government that his client would not be interested in the
5 plea offer.

6 9. Civil discovery and the filing of a motion for summary judgment will most
7 likely adversely affect the ability for the government to conduct the related criminal
8 investigation because it will subject the government's criminal investigation to early civil
9 discovery before an indictment is obtained and a criminal trial takes place.

10 10. In order for the government to present its evidence in support of a motion
11 for summary judgment, the government would be required to submit testimonial
12 declarations from law enforcement and other government witnesses, whose testimony
13 are central to the ongoing criminal investigation, creating risks of jeopardizing the
14 criminal investigation.

15 11. As noted in the civil forfeiture complaint, a number of witnesses and an
16 expert were not identified by name to protect their identities while the criminal
17 investigation is ongoing. The government has also not requested the unsealing of the
18 affidavit in support of the federal search and seizure warrant to protect the identities of
19 witnesses and other sensitive information contained in the affidavit before an indictment
20 is obtained and arrests are made. Disclosure of the government's witnesses in the civil
21 matter may also cause Claimant or others to intimidate the witnesses before they could
22 testify in the criminal proceedings.

23

24

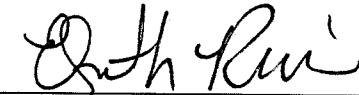
25

26

27

28

1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct and that this declaration is executed in Los Angeles,
3 California, on December 13, 2019.



4
5 ELIZABETH RIVAS
6 Special Agent
7 Federal Bureau of Investigation
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28